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ATTORNEYS FOR THE UNITED STATES

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

No. 2:12-cv-804-LDG-GWF

v.

CLIVEN BUNDY,

**DECLARATION BY
MARY HINSON**

Defendant.

DECLARATION BY MARY HINSON

I, Mary Hinson, do declare as follows:

I have personal knowledge of the matters set forth in this Declaration.

1. I am Chief Ranger for the United States Department of the Interior, National Park Service (NPS) at Lake Mead National Recreation Area (Lake Mead NRA). I have worked for the NPS since May 1993. I have been in my current position since July 2006. Previously, I was the Deputy Chief Ranger at Lake Mead NRA between February 2004 and July, 2006, and District Ranger—Mead District (formerly known as Boulder Basin) at Lake Mead NRA between March 2001 and February 2004.
2. As Chief Ranger I am responsible for the overall programming, planning and operational direction of the Visitor and Resource Protection team to include Law Enforcement, Investigations, Resource Management and Protection, Search and Rescue, Communications, Emergency Medical Services, Structural and Wildland Fire Suppression, Water Activities and Special Park Use Programs at Lake Mead NRA. I supervise a total of 70 permanent employees and approximately 15 seasonal employees. I indirectly supervise all aspects of Visitor and Resource protection as identified above in the area of Lake Mead NRA affected by trespass and stray cattle which includes the west side of the Overton Arm of Lake Mead from Echo Bay north to the northern boundary of Lake Mead NRA and along the east side of the Overton Arm of Lake Mead to the Arizona state line, and referred to as the Overton Arm/Gold Butte Area (Overton Arm/Gold Butte Area). The Overton Arm/Gold Butte Area corresponds to the area marked as “New Trespass Lands” and “Former Bunkerville Allotment” within Lake Mead NRA shown on the map attached to this declaration as Attachment A. As part of my responsibilities, I routinely review reports, memos, computer assisted dispatch (CAD) reports, criminal incident reports, and oral briefings by the Lake Mead NRA law enforcement staff on a number of issues, including the presence and impacts from trespass and stray cattle on resources, visitors and staff, and park operations. As the Chief and Deputy Chief Ranger at Lake Mead NRA I have dealt with and been responsible for NPS’s responses to trespass and stray cattle within the Overton Arm/Gold Butte Area. Cattle are not authorized to be within the Overton Arm/Gold Butte Area and their presence is a violation of NPS regulations. Cattle have damaged park resources and have presented a danger to visitors at Lake Mead NRA.
3. I first became aware of the presence and impacts of cattle in the Overton Arm/Gold Butte Area upon my arrival to Lake Mead NRA in March of 2001. I was briefed that trespass and stray cattle were within the Overton Arm/Gold Butte Area and were known to damage resources.
4. In response to an increase in the number of trespass and stray cattle, I participated in a telephone call with Cliven Bundy in 2004 about the presence of his cattle within Lake Mead NRA, along both the east and west sides of the Overton Arm of Lake Mead. Kent Turner, then the Chief of Resources for the NPS at Lake Mead NRA, was also on the call. Mr. Turner informed Mr. Bundy that his cattle were within Lake Mead NRA without authorization, were causing resource damage within the park, and requested that he

remove his cattle. Mr. Bundy agreed to round up his cattle and stated that he would remove them from Lake Mead NRA.

5. In 2006, Lynne Belanich, former NPS Law Enforcement Ranger at Lake Mead NRA, prepared a report in which she documented her observations of cattle within the Overton Arm\Gold Butte Area between June 2006 and September 2006. The report also contains a summary of the history of interaction of the NPS with Cliven Bundy regarding trespass and stray cattle within Lake Mead NRA and a summary of cattle observations by Ranger Belanich between December 2003 and January 2006. The report documented the following separate incidents between June 2006 and September 2006, all within Lake Mead NRA, by Ranger Belanich, with photographs for each incident: June 2006 – cattle stuck in mud, Corey Houston, employee of Mr. Bundy, pull two cows that were still alive out of mud, one of the dead cows which was stuck in the mud had a faint “V” brand on hind quarters; July 2006—herd of cattle observed along east side of the Overton Arm of Lake Mead; August 2006—observations of cattle, some dead, across from Overton Beach and near the Virgin River, a corral was documented adjacent to Road AR 113; September 2006—corral with mobile water tank observed adjacent to Road 113 and Mr. Houston, Mr. Bundy’s employee, was given a citation for having a loaded weapon within the park (the weapon was confiscated). A true and correct copy of the report prepared by Ranger Belanich is attached to this declaration as Attachment B.
6. Between December 2010, and March 2012, Lake Mead NRA Law Enforcement Rangers reported, by radio call-in reports to the Lake Mead Interagency Communications Center, which is under my supervision, the presence of cattle 19 times within the Overton Arm/Gold Butte Area. Each of these calls into the Communications Center was reported during routine patrols by my staff, and in one incident, a response to a traffic accident. The reports for November 5, 6, 10, 12, and 18, 2011, called in by Ranger Brian Wollenburg of my staff, identified cattle with the brands and/or ear markings assigned to Cliven Bundy
7. On November 23, 2011, Lake Mead NRA Law Enforcement Rangers responded to a traffic accident involving a truck hitting a cow on the Northshore Road within the Overton Arm/Gold Butte Area. The truck was heavily damaged and a Lake Mead NRA Law Enforcement Ranger had to shoot the cow because of the extensive nature of the injuries sustained by the cow from the collision with the truck. No brands or earmarks were identified on the cow but the cow was in the same area of the Overton Arm/Gold Butte Area as the Bundy cattle described in paragraph 6 above. A true and correct copy of the report of this incident is attached to this declaration as Attachment C.
8. Between January 2012 and November 2012, Lake Mead NRA Law Enforcement Rangers Stephen Neel and Brian Wollenburg, in addition to the radio call-in reports described above in paragraph 6, prepared case incident reports for some of the instances that they observed cattle within the Overton Arm/Gold Butte Area during their routine patrols. Ranger Neel filed reports for observations of cattle on January 7, 2012 – 3 cattle, none with identifiable brands or earmarks; and January 10, 2012, three different reports – 8 cattle with one showing the earmarks assigned to Cliven Bundy, 4 cattle but none with

identifiable brands or earmarks, and 9 cattle but none with identifiable brands or earmarks. Ranger Wollenburg filed reports for observations of cattle on February 18, 2012 – 3 cattle but none with identifiable brands or earmarks; on March 1, 2012—4 cattle with three of the cattle having brands and/or earmarks assigned to Cliven Bundy; on June 29, 2012 – 2 cattle but none with identifiable brands or earmarks; and on November 12, 2012—8 cattle with two having the brands or earmarks assigned to Cliven Bundy. A true and correct copy of the reports filed by Rangers Neel and Wollenburg for the observations on January 7, January 10, February 18, March 1, June 29, 2012, and November 12, 2012 are attached to this declaration as Attachment D.

9. On March 27, 2012, the Deputy Superintendent of Lake Mead NRA, requested that I call Cliven Bundy in response to the threat of safety to NPS staff and visitors as well as damage to resources from the continued presence of trespass cattle on or near Northshore Road within the Overton Arm/Gold Butte Area. On March 27, 2012, I contacted Corey Houston, a former employee of Cliven Bundy, and asked him to remove the trespass cattle. Mr. Houston had arranged to remove Mr. Bundy's cattle from within Lake Mead NRA during 2011. Mr. Houston called me back and told me he no longer worked for Mr. Bundy. Mr. Houston gave me Mr. Bundy's home number and cell phone number. I called and left a message on both phone lines. On March 28, Mr. Bundy returned my call. We discussed the location of his cattle within the Overton Arm/Gold Butte Area. I told Mr. Bundy that his cows were on the Northshore Road and I was concerned for the safety of NPS employees as well as the public. Mr. Bundy agreed with me and stated he realized his cattle were not allowed on the West side of the Overton Arm. I gave him the approximate location of cattle. Mr. Bundy said he would attempt to locate them that day and round them up over the weekend. On Saturday I spoke with Mr. Bundy and we discussed utilizing the Overton Developed Area (at the end of the Overton Beach Road within the Overton Arm/Gold Butte Area) to remove cattle. On Monday, April 2, 2012, when I returned to work, I retrieved a message on my phone from Mr. Bundy in which he stated that he had removed 13 head of cattle off the Northshore Road within Lake Mead NRA. Mr. Bundy also requested that I let him know if the NPS saw any more of his cattle.
10. On May 26, 2012, I was contacted by Cliven Bundy on my cell phone. Mr. Bundy stated that he wanted permission to clear a route by burning, cutting and/or clearing vegetation within the Overton Arm/Gold Butte Area where he had gathered 40 to 50 head of his cattle so that the cattle could be moved from the west side of the Overton Arm of Lake Mead to the east side of the Overton Arm. I told him it was a holiday weekend and that we were in fire restriction so no fires would be allowed. I also told him that I would need to brief Lake Mead NRA management on the request but believed his request would be denied. I asked to meet him where the cattle were located so I could get a better idea of the situation. He told me he was in a hurry because he had received a letter stating he had to move his cattle. He told me he was using a helicopter to round the cattle up that he could not wait too long. I called him back and told him not to burn or cut anything and to plan on using the Overton Developed Area to remove cattle. He told me that he had run them too far past the area and that he would try to figure something else out. I told him not to burn, cut or destroy any vegetation. I ask Chris Reynolds, the Mead District Ranger

at Lake Mead NRA and supervised by me, to contact Mr. Bundy to find out what happened to these cattle. Mr. Bundy did not return Mr. Raynolds calls.

11. July 30, 2012, Lake Mead NRA Law Enforcement Ranger Stephen Neel of my staff, participated in an aerial and ground survey of cattle within the Overton Arm/Gold Butte Area. I assigned Ranger Neel to submit a report of the survey, combining data from the survey from other Lake Mead NRA staff. In addition to Ranger Neel, Lake Mead NRA Law Enforcement Ranger and Pilot Bruce Lenon and Alice Newton, Ashley Pipkin, Dara Scherpenisse, Tom Culler, and Henry Weckesser of the Lake Mead NRA Natural Resources Division staff participated in the survey. On the ground Lake Mead NRA staff documented 6 cattle on the east side of the Overton Arm of Lake Mead near Glory Hole and a bull on the west side of the Overton Arm near Overton Beach. In addition, Ranger Lenon observed from a fixed-wing aircraft a total of 25 cattle within Lake Mead NRA as shown on the map attached to Ranger Neel's report. No brands or earmarks were identified on the cattle observed on July 30, 2012. A true and correct copy of the report submitted by Ranger Neel is attached to this declaration as Attachment E.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Signed this 5 day of Dec, 2012 at Boulder City, Nevada.

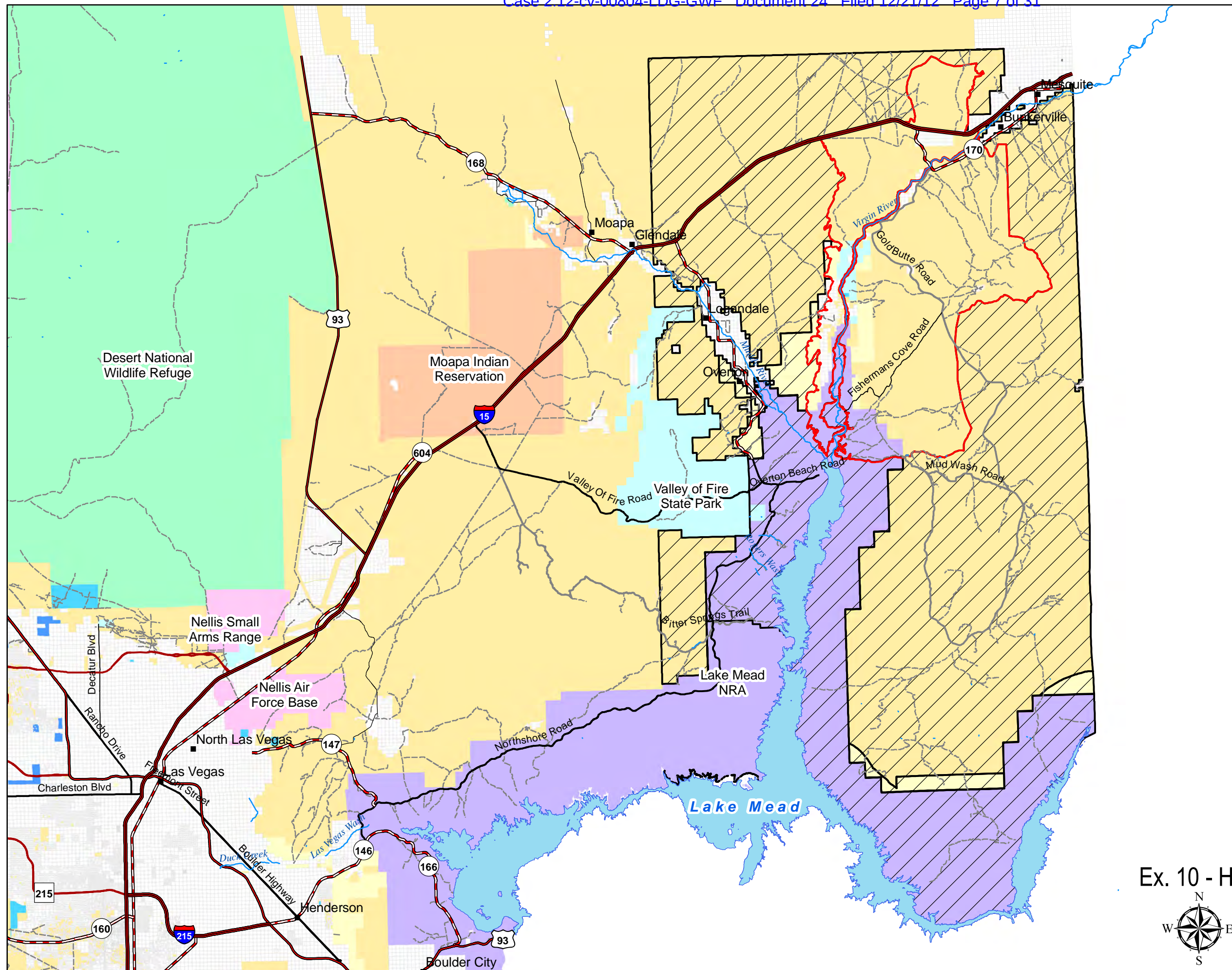
A handwritten signature in cursive script, reading "Mary Hinson", written over a horizontal dashed line.

Mary Hinson

ATTACHMENT A TO DECLARATION BY MARY HINSON

United States v. Bundy, No. 2:12-cv-804-LDG-GWF

Bundy Cattle Trespass Overview



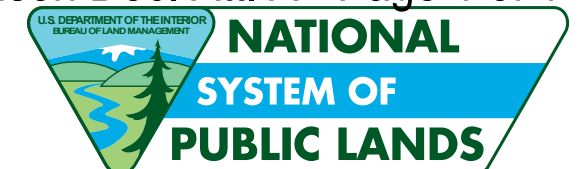
Legend

Former Bunkerville Grazing Allotment	Land Status
New Trespass Land	Bureau of Indian Affairs
City Location	Bureau of Land Management
NHD Hydrology	Bureau of Reclamation
Major Road	City of Las Vegas
Interstate	Clark County, NV
US Highway	Department of Defense
State Highway	Department of Energy
County Highway	Fish and Wildlife Service
Arterial	Forest Service
Collector	National Park Service
Local	Nevada State
Back Country Byway	Private
Resource	Lake Mead
Restricted	

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United States of America
v. Bundy
No. 12-cv-804
Not intended for any other use



Ex. 10 - Hinson Dec. Att. A - Page 1 of 1

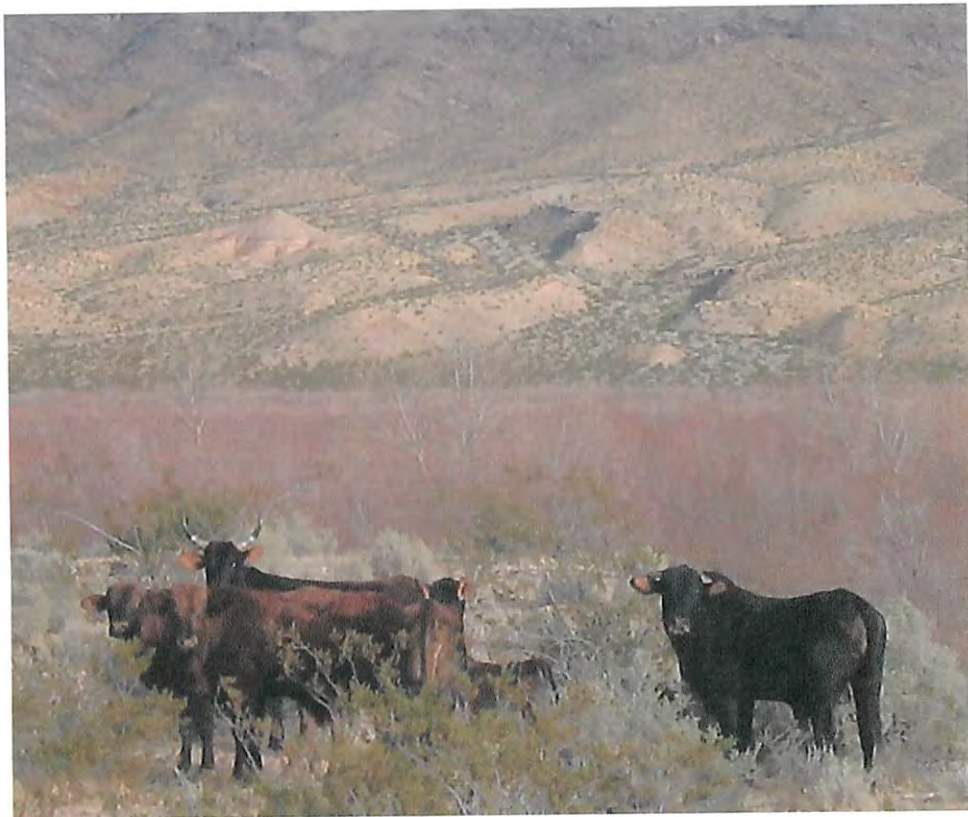


ATTACHMENT B TO DECLARATION BY MARY HINSON

United States v. Bundy, No. 2:12-cv-804-LDG-GWF

CATTLE ENCROACHMENT

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**MUDDY & VIRGIN RIVER VALLEY  
OVERTON ARM**

## Cattle Encroachment Issue

Gold Butte / Virgin & Muddy River Area

### WHO: Players Involved

- **Cliven BUNDY** 04/29/1946 PO Box 7175 Bunkerville, NV 89007  
H 702-346-5564 C 801-368-0010  
-cattle owner, Clark County Director for the Nevada Livestock Association
- **Corey HOUSTON** 07/01/73 375 S. First West Bunkerville, NV 89007  
H 702-346-2513 C 702-208-0912  
-BUNDY's ranch hand (unpaid)  
-Clark County Fire Fighter
- **Dave BUNDY** 01/07/77  
-one of Bundy's sons
- **Ryan BUNDY** 10/31/72  
-one of Bundy's sons

### WHAT: What are the issues?

- Officer Safety -Loaded weapons/ armed individuals in the park
- Cattle encroachment – illegal grazing- trespassing
- Cattle reproduction on NPS land- new calves are not branded, herds are expanding on NPS land
- Off-road travel – cattle round-ups on ATVs
- Abandon property-coral
- Damage/impact to protected habitat / plants/ animals

### WHERE: locations of impact, locations of players

- Impact in Park  
-backcountry areas from the Muddy river east to the Virgin River and south to Lime Cove on the east side of the Overton arm (see [MAP 1 &2](#))
- Players  
-Bunkerville, NV - Bundy's house is located on the primary access road used to enter the east side of the Lake Mead (Overton Arm Area)

### WHEN: Historical Timeline

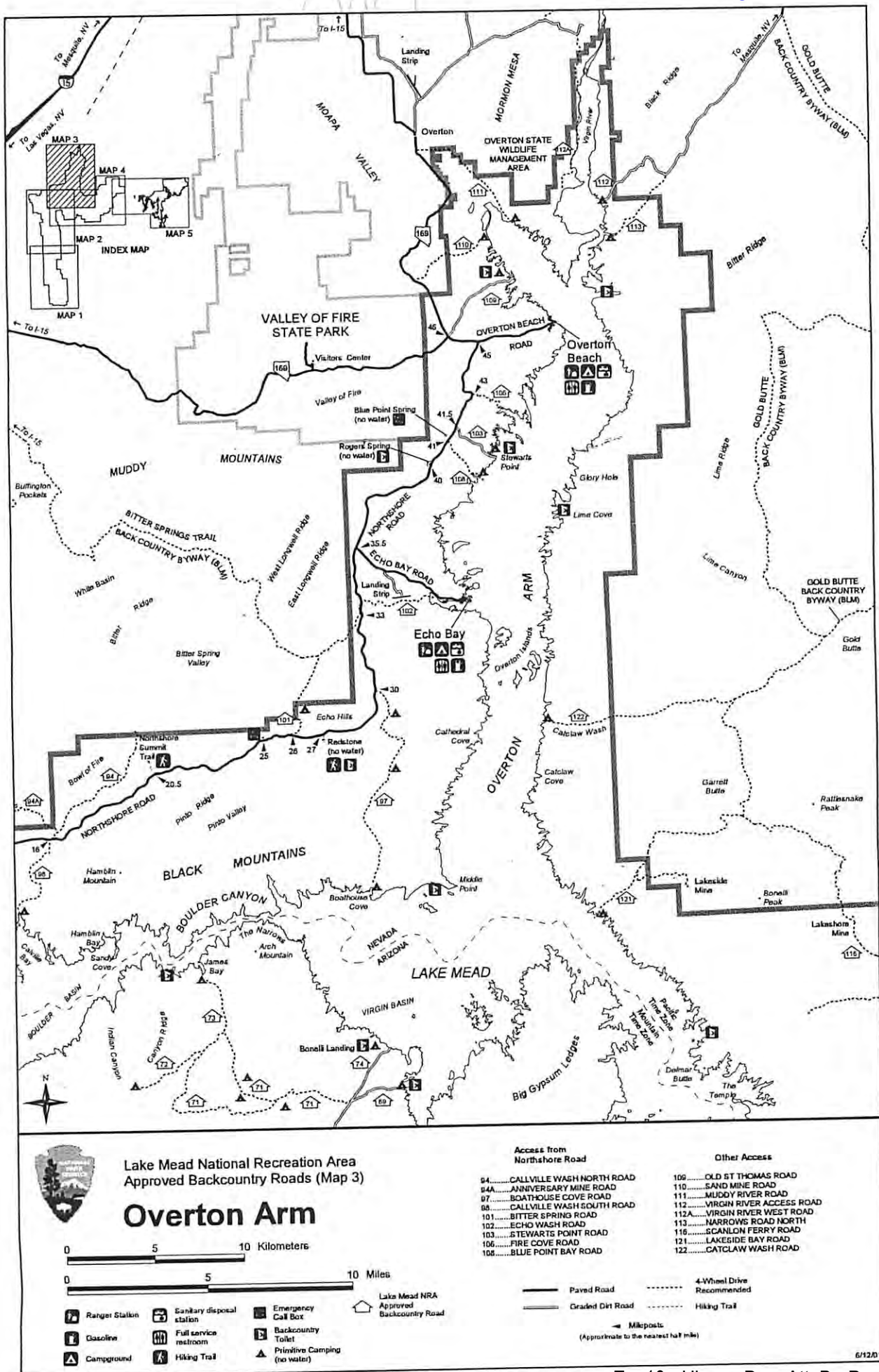
- 1940 – BUNDY family grazed cattle in the Bunkerville area
- 1954- BLM –BUNDY's father grazing permit
- 1967- (April) BUNDY issued a lease of land from NV fish and Game ( NPS park land used under a Special Use Permit for NV fish & game)
- 1974 (April) BUNDY land lease expired with NV Fish and Game - lease land was under water (Lake Mead) and not occupied by BUNDY



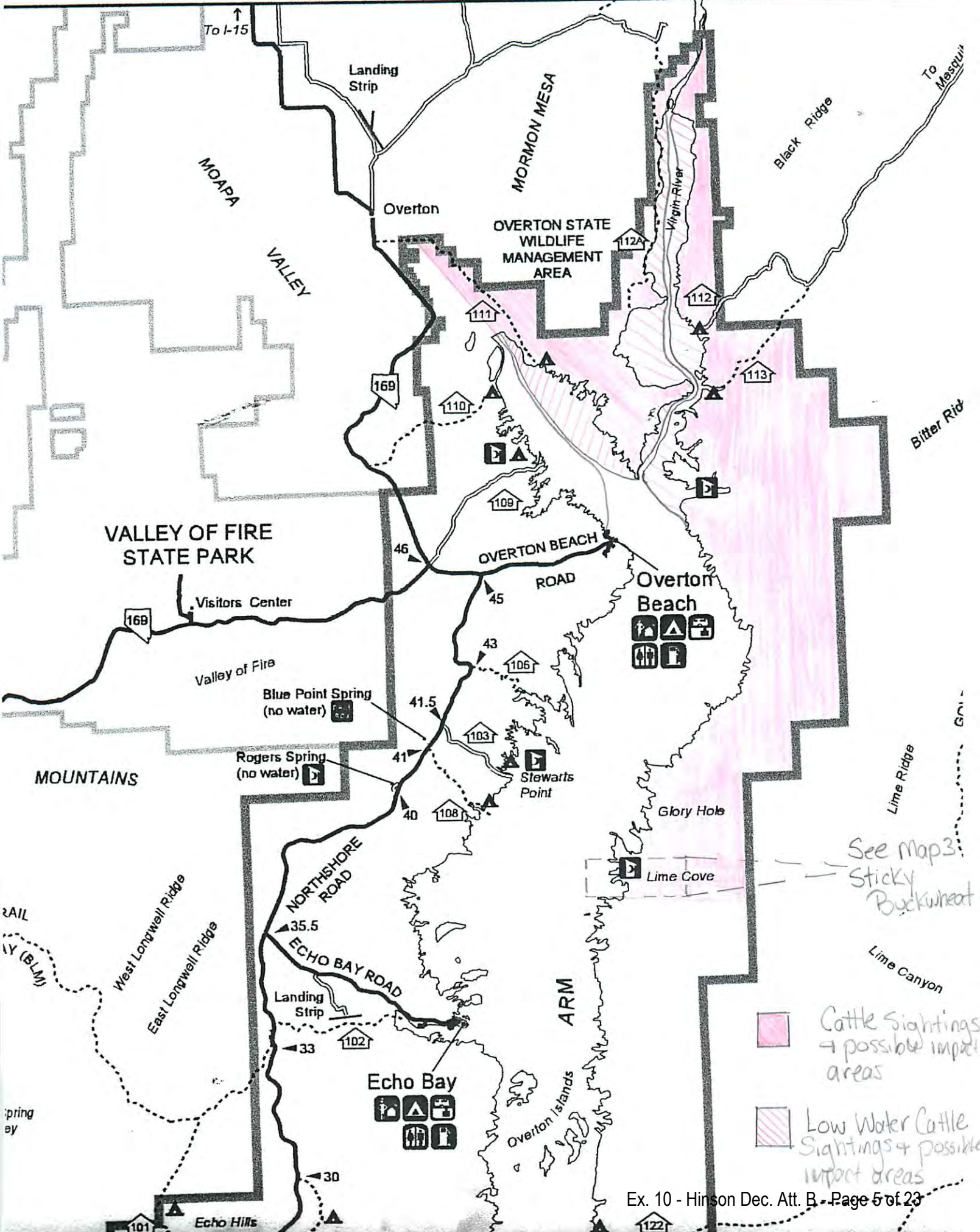
- 1992- BUNDY in violation (trespass) of his grazing permit on the Bunkerville Allotment (BLM)
- 1994- Ryan BUNDY lead Zion rangers on a high speed pursuit-advised he did not recognize the authority of the Federal government ( [CI # 94-943692](#))
- 1994- BUNDY's grazing permit on the Bunkerville allotment was canceled (BLM)
- 1998- (Nov) court order to remove cattle on BLM land and pay 25-30, 000 in fees fines to BLM
- 1999- Dave BUNDY fled from BLM ranger as he attempted to stop Dave then drove directly at the ranger (Gold Butte Area)
- 1999- (May) ninth circuit of appeals permanently enjoined Bundy from grazing on BLM managed land.
- 2002- BUNDY requests to renew lease with NV Fish & Game advises he is denied a renewal and the land is managed for Threatened & Endangered species
- 2002- BUNDY built roads w/in the park –major resource damage (area of 112, 112A, 111) ([CI #02-2173](#))
- 2002 –BUNDY advised he has no grazing permits in the park(including NV Fish & Game areas)
- 2003- SA CRAWFORD case – cont. follow up on resource damage case ([CI# 02-2173](#))
- 2003/04/05- backcountry patrol reports of cattle free roaming ([See Attachment 1](#))
- 2006- 2 stuck /4 dead cattle virgin river and muddy river area ([CI#06-1497](#))
- 2006- corral w/ water supply erected along AR 113 ([CI #06-2829](#))
- 2006- Loaded weapon violations by HOUSTON, warning to Ranger that citing BUNDY would cause a gun battle ([CI #06-2829](#))

**WHY: why do we need to access this area?**

- Multi-Species Habitat and Conservation Plan (MSHCP) and Southern Nevada Public Land Management Act (SNPLMA) provide funding for the patrol and protection of critical habitat areas including the east side of the Overton arm which is home to protected animals and plants such as the desert tortoise and sticky buckwheat.
- Area host many projects and studies for several agencies and universities.
- Recently, I was updated by Dianne Bangle, Botanist, who advised the reproductive cycle of the sticky buckwheat on the east of the Overton arm was currently being interrupted due cattle grazing and trampling. This is one of her concerns and she and her staff have begun to document this. ([see MAP 3](#)) Alice Newton, Vegetation Management Specialist, provides a rough damage assessment of 100K for the area currently impacted. She stated further that if the current grazing situation is not resolved damage estimates will rise to 300 – 400K.

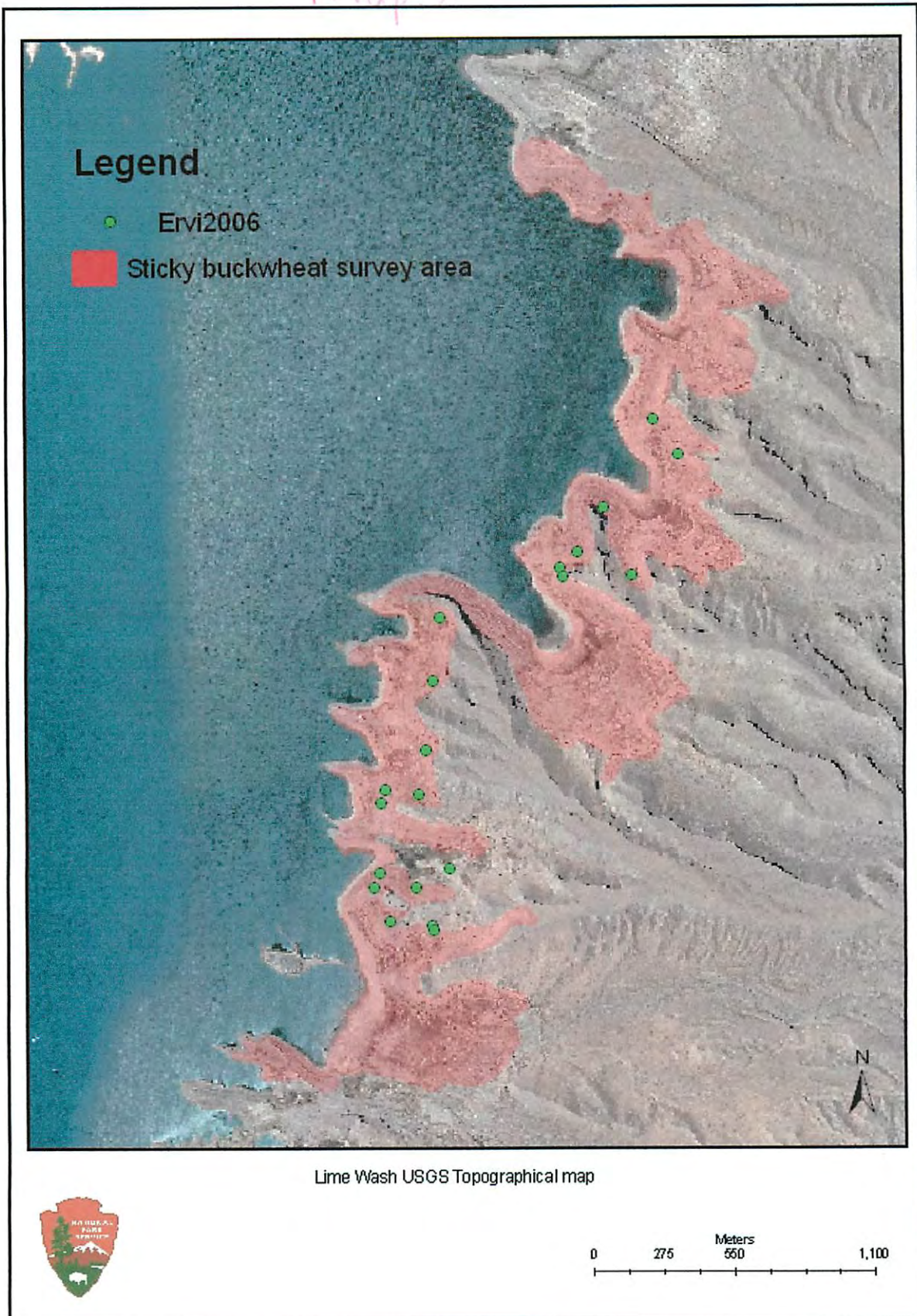








Map 3





*Attachment 1*

## Belanich's reports of cattle sightings

~~No identifiable brand on cattle but some have clipped ears~~

| CI #                         | Date       | Location / Road                         | # of cattle |
|------------------------------|------------|-----------------------------------------|-------------|
| 03-002200                    | 12/14/2003 | 112 (end)                               | 15          |
| 03-002200                    | 12/14/2003 | Just outside Park Boundary(113) on BLM  | 11          |
| 04-000106                    | 1/24/2004  | 112A (dry river bed)                    | 32          |
| 04-000106                    | 1/24/2004  | 112A                                    | 10          |
| 04-000179                    | 2/8/2004   | Virgin River Valley                     | 17          |
| 04-000272                    | 2/18/2004  | Just outside Park Boundary (112) on BLM | 19          |
| 04-000272                    | 2/18/2004  | Virgin River Valley                     | 24          |
| 04-000347                    | 3/12/2004  | 112A                                    | *2          |
| 04-000369                    | 3/14/2004  | 112(middle and end)                     | 8           |
| 04-000369                    | 3/14/2004  | 113 (end)                               | 16          |
| 05-002494                    | 11/20/2005 | 113                                     | 12          |
| 06-000235                    | 1/30/2006  | 112A                                    | 5           |
| <i>Total cattle observed</i> |            |                                         | 169         |

\* mother with calf

(Copies of above cases follow this page)

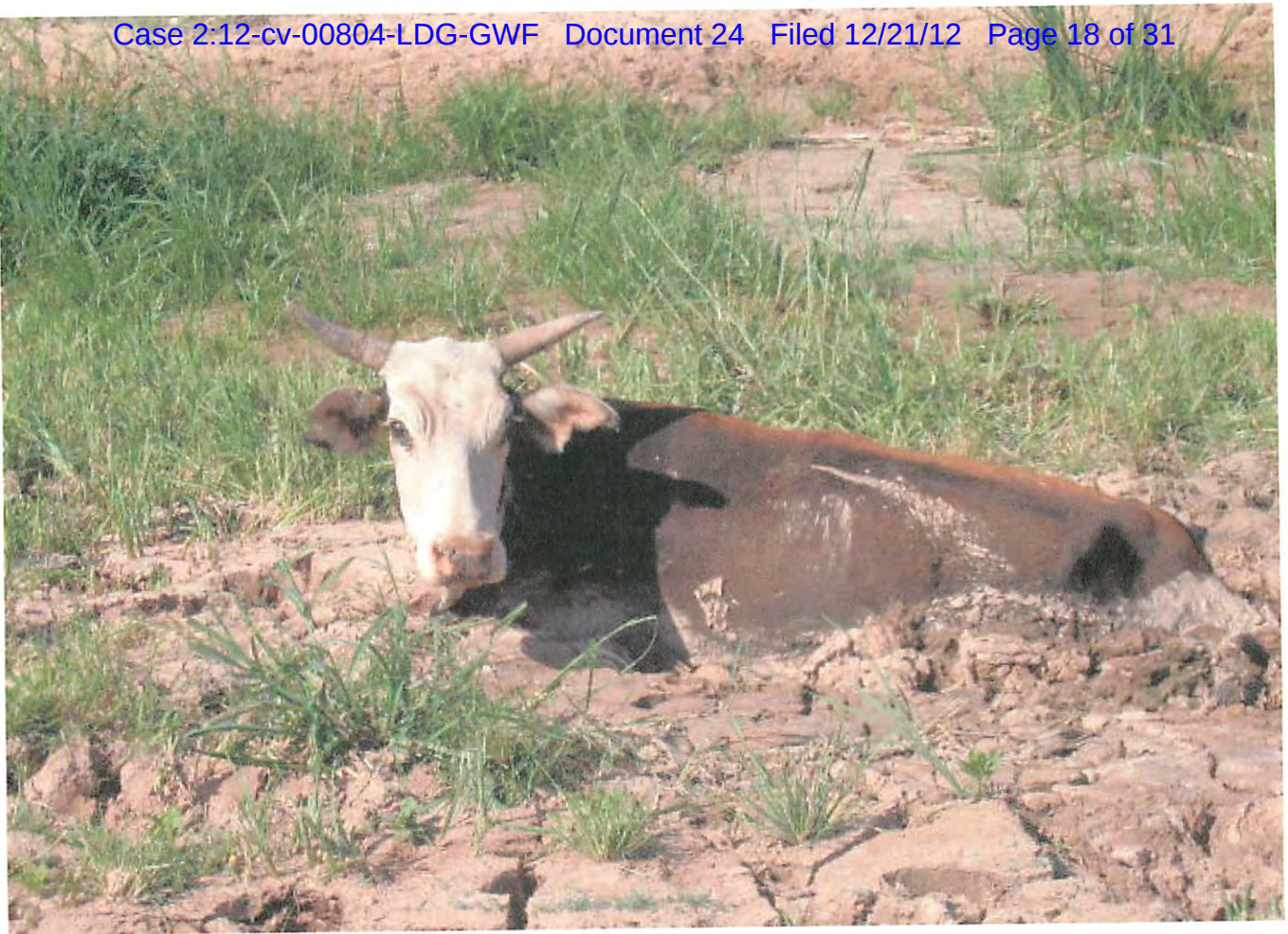
CI # 06-1497 06/2006 Virgin River

- Two stuck cows and one dead cow
- HOUSTON was able to pull out the two stuck ones
- HOUSTON had a loaded Glock with him
- Faint "V" brand on left hind quarters of dead cow
- Black/White stuck cow had ear clips

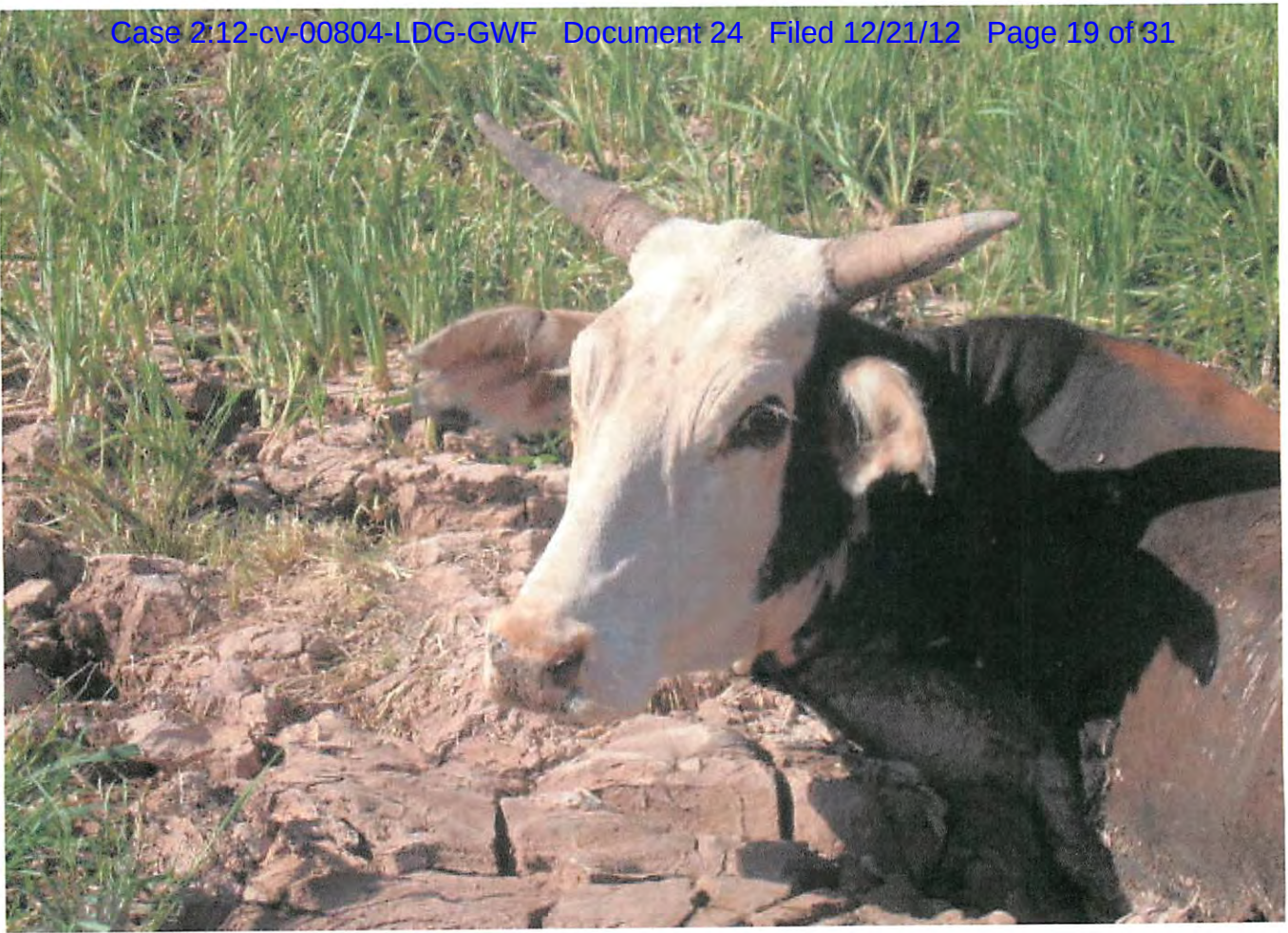






















## Boat Patrol 07/2006 Overton Arm

-Normal sighting of cattle long the east side of the Overton Arm

-Several generations of cattle (adults, juveniles, and calves)

**UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
PHOTOGRAPH RECORD**

**Incident Number :** 1823  
**Location of Incident:** Overton Arm

**Date of Incident:** 7/4/06  
**Nature of Incident:** BC Patrol/ Cattle  
Encroachment



**Photo #:** 1  
**Object:** Cattle at the waters edge (looking East)  
**Date:** 7/3/06 **Time:** 04:00PM  
**Location:** North of Beismeir Beach  
**Photographer:** Belanich  
**Camera:** Digital  
**Film:** Digital  
**Altered:** No  
**Flash:** No

**Photo #** 2  
**Object** Cattle as the waters edge(looking North- East)  
**Date** 7/3/06 **Time:** 04:00PM  
**Location:** North of Beismeir Beach  
**Photographer:** Belanich  
**Camera:** Digital  
**Film:** Digital  
**Altered:** No  
**Flash:** No

Reporting Officer's Name

ID #

Supervisor's Name

ID #

Reporting Officer's Signature

Date

Supervisor's Signature

Date



## Helicopter Patrol 08/2006 Overton Arm

- Aerial photos of dead cows within the park (4 dead total)

- Photo of cattle at waters edge shows several generations (boat patrol- across from Overton Beach)

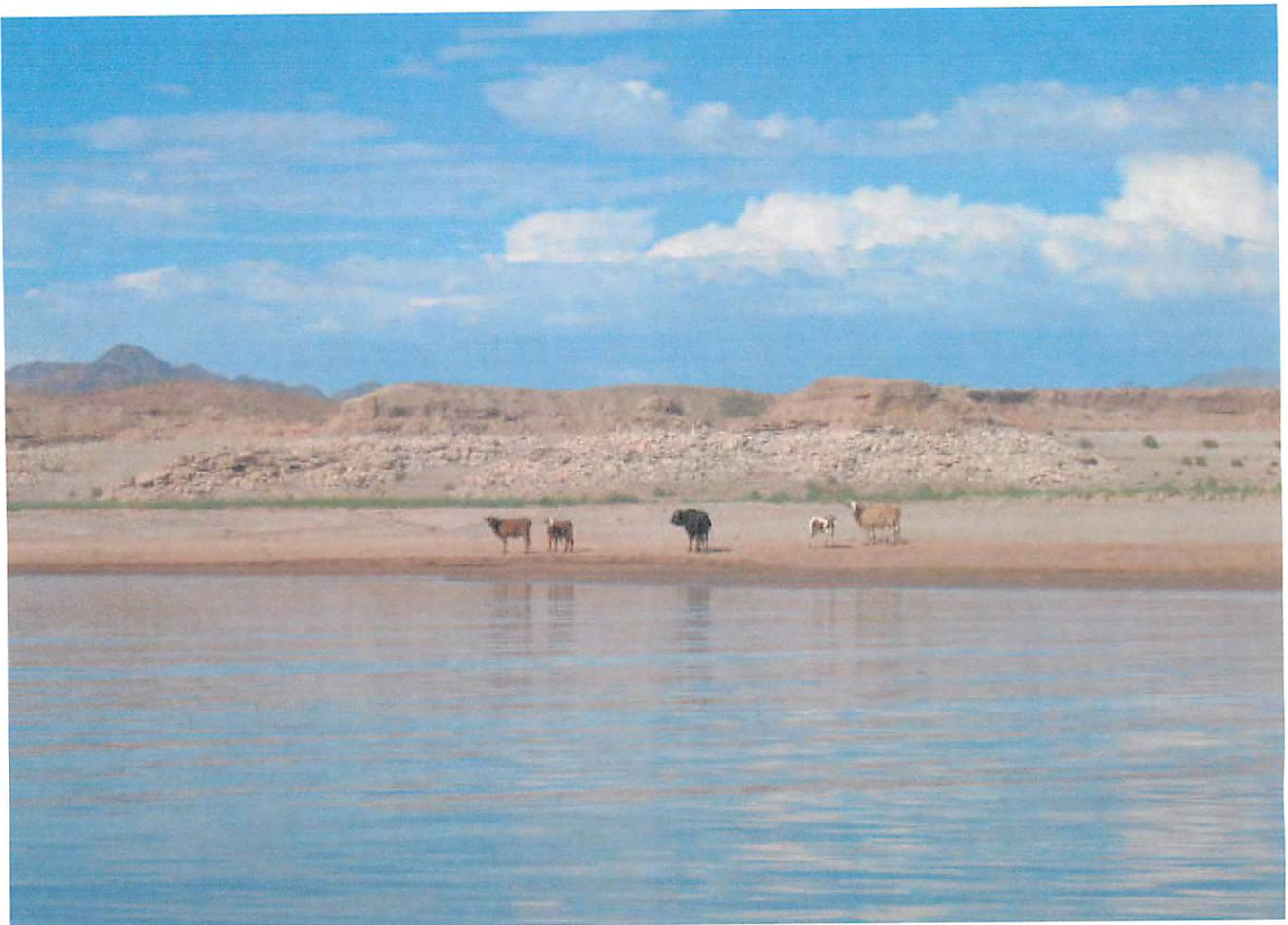
- Aerial photo of cattle at waters edge

- Aerial photo of corral along AR 113

- Aerial photo of heard near the Virgin River



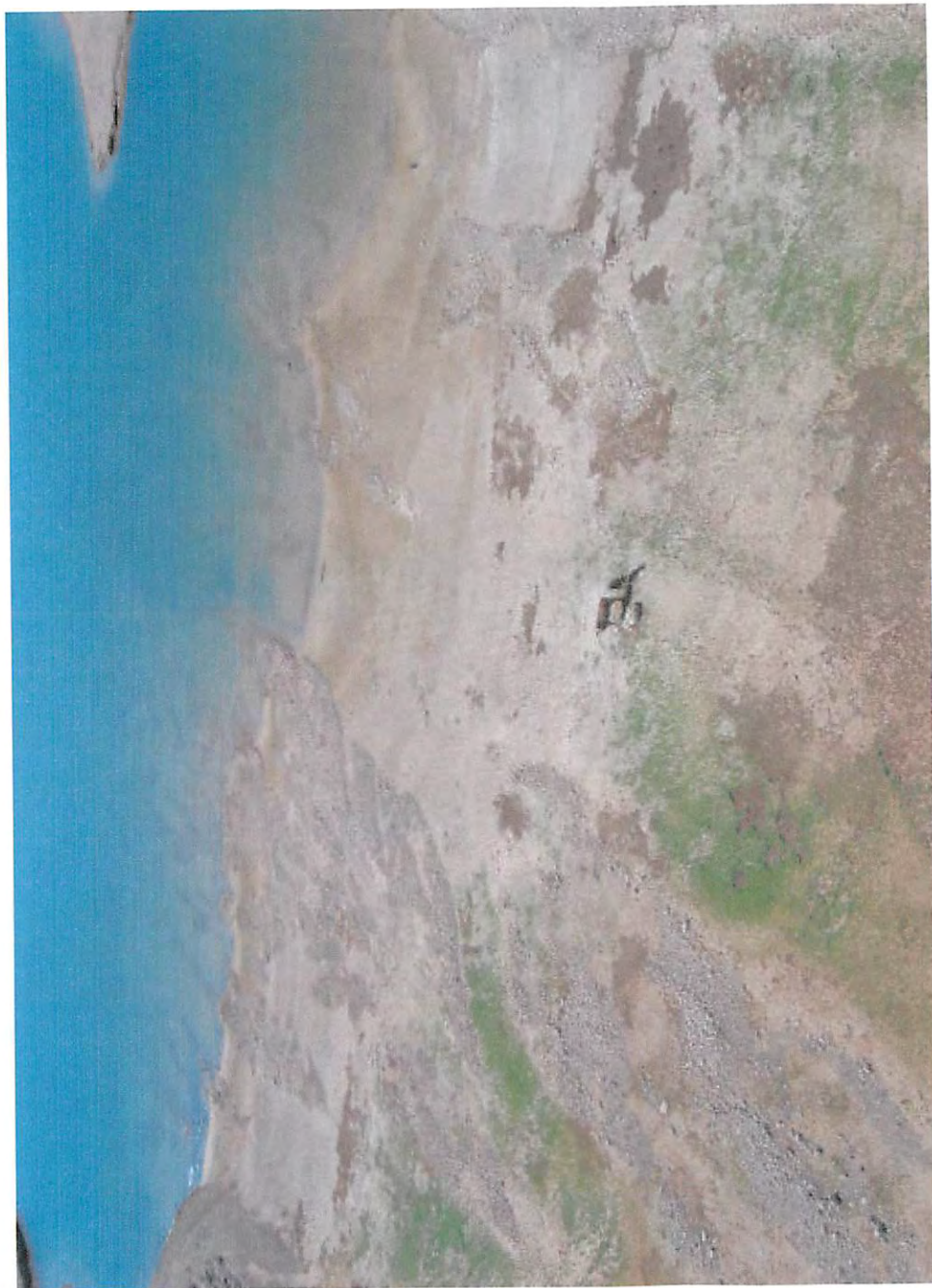














CI # 06-2829      09/2006      AR 113

-HOUSTON cited for loaded weapon and registration violations

-Weapon confiscated (MAC 90 (AK47))

-HOUSTON advised that if ranger was contacting BUNDY it would be a gun battle

-Corral with water supply on AR 113







